

AARON D. FORD
Attorney General
PETER E. DUNKLEY, Bar No. 11110
Deputy Attorney General
State of Nevada
Public Safety Division
100 N. Carson Street
Carson City, NV 89701-4717
Tel: (775) 684-1259
E-mail: pdunkley@ag.nv.gov

*Attorneys for Defendants
Renee Baker, Dwayne Baze, David Carpenter,
Ian Carr, Stephen Clark, Daniel Collier, Ray East
Pamela Feil, Joseph Ferro, Tim Garrett, Valaree Olivas,
William Sandie, Nathan Wake, and Harold Wickham*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BRIAN KAMEDULA,

Plaintiff,

vs.

IAN CARR, et al.,

Defendants.

Case No. 3:18-cv-00544-MMD-CLB

**DEFENDANTS' MOTION FOR
EXTENSION OF TIME TO RESPOND
TO DISCOVERY
(First Request)¹**

Defendants, Renee Baker, Dwayne Baze, David Carpenter, Ian Carr, Stephen Clark, Daniel Collier, Ray East, Pamela Feil, Joseph Ferro, Tim Garrett, Valaree Olivas, William Sandie, Nathan Wake, and Harold Wickham, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Peter E. Dunkley, Deputy Attorney General, hereby requests a 60 day extension, until August 17, 2020, to respond to outstanding discovery.

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¹ This is the second extension request in this case. However, this is the first request for an extension related to these specific sets of discovery requests.

MEMORANDUM OF POINTS AND AUTHORITIES

I. BACKGROUND

Defendants respectfully request a sixty (60) day extension of time from the current deadlines of June 18, 25, 26, 29, and July 2, 9, to respond to Plaintiff's outstanding discovery requests. The undersigned understands that 60 days is a longer than usual request. However, the voluminous discovery propounded by Plaintiff warrants the request and minimizes the likelihood that Defendants will need to file an additional request for more time, at least as related to the currently outstanding discovery requests. Defendants request that all outstanding discovery requests will be due on August 17, 2020.

In light of the COVID-19 related administrative procedural complications within the State of Nevada, and at the Office of the Attorney General (OAG), and at the NDOC regarding current employees, and with the former employees of NDOC, which have affected the efficiency of and responsiveness to communications with the 14 Defendants and related to multiple sets of discovery requests, totaling 96 interrogatories, 972 requests for admission, and 103 requests for production of documents, good cause exists for Defendants' request for an extension.²

II. DISCUSSION

Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Fed. R. Civ. P. 6(b)(1). Additionally, "The district court is given broad discretion in supervising the pretrial phase of litigation...." *Zivkovic v. S. California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002) (citation omitted). *See also, Laub v. U.S. Dep't of Interior*, 342 F.3d 1080, 1093 (9th Cir.2003) (noting the district court's broad discretion in discovery matters).

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² Defendants are not waiving the right to seek a protective order if necessary.

1 In this case, Defendants asserts that the requisite good cause is present to warrant the
2 requested extension of time. At issue are 1171 discrete discovery requests to multiple
3 defendants responding in various capacities. The requests have due dates ranging from June
4 18 through July 9, 2020.

5 In addition to the sheer number of discrete requests to the 14 Defendants, Defendants
6 make the instant request in light of the ongoing productivity obstacles related to COVID-19,
7 including Nevada Governor Sisolak's many emergency declarations, beginning on March 15,
8 2020 and then the March 31, 2020 Declaration of Emergency (Directive 010) – 'Stay at Home
9 Order' and the Governor's subsequent extensions and additional directives and clarifications.
10 In response to COVID-19 and the Governor's Directives, the OAG has directed all OAG
11 employees to comply with the Governor's orders, limit in-office work and to stay at home while
12 and until the OAG implements and transitions to alternate, home-based working
13 arrangements or the COVID-19 restrictions are lifted. Currently, the OAG is restricting the
14 in-office attendance of employees to 25% of capacity for all staff.

15 In light of the administrative directives, and due to the difficulties the instant
16 circumstances place on obtaining the necessary supporting documents, and difficulty
17 corresponding between the OAG and Defendants, Defendants respectfully request that the
18 Court extend the deadline by sixty (60) days, until August 17, 2020. Defendants' request will
19 not hinder or prejudice Plaintiff's case. Close of discovery is currently set for October 5, 2020
20 (ECF No 53). The requested sixty-day extension of time will not change the scheduling order
21 and should permit sufficient time to overcome the administrative and procedural obstacles
22 created by the response to COVID-19, and to obtain documents, and responses from
23 Defendants.

24 Finally, the OAG and Plaintiff have productively conferred in prior discovery issues,
25 *see, e.g.*, ECF No. 53. While the OAG has not conferred with Plaintiff regarding this motion,
26 the OAG expects that future conferences will nevertheless be productive, and minimize the
27 need for Court intervention.

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1 **III. CONCLUSION**

2 For the above reasons, Defendants respectfully requests a sixty (60) day extension to
3 permit sufficient time for Defendants to respond to the outstanding discovery, as set forth
4 below:

5 Proposed Schedule for Outstanding Discovery Response Deadlines

6 Proposed Deadline for the currently outstanding discovery responses: August 17, 2020.

7 DATED this 18th day of June 2020.

8 AARON D. FORD
9 Attorney General

10 By: /s/ Peter E. Dunkley
11 PETER E. DUNKLEY, Bar No. 11110
12 Deputy Attorney General
13 *Attorneys for Defendants*

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15 **IT IS SO ORDERED:**

16 
17 **UNITED STATES MAGISTRATE JUDGE**

18
19 **DATED:** June 19, 2020

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 18th day of June, 2020, I caused a copy of the foregoing, **DEFENDANTS' MOTION FOR EXTENSION OF TIME TO RESPOND TO DISCOVERY (First Request)**, to be served, by U.S. District Court CM/ECF Electronic Filing on the following:

Brian Kamedula #24627
Care of LCC Law Librarian
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419
lcclawlibrary@doc.nv.gov

/s/ Caitie Collins
An employee of the
Office of the Attorney General